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Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

20

33 Attorney Docket Number MSDI-223/PC444.06

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/756,970
		Filing Date	January 13, 2004
		First Named Inventor	Kevin T. Foley
		Art Unit	3733
		Examiner Name	Mary C. Hoffman
Total Number of Pages in This Submission	20	Attorney Docket Number	MSDI-223/PC444.06

ENCLOSURES *(Check all that apply)*

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	February 20, 2009	Reg. No.	45,431

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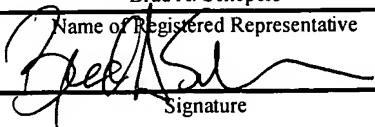
In re patent application of:) Before the Examiner
Foley et al.) Mary C. Hoffman
Application Serial No. 10/756,970) Group Art Unit 3733
Filed January 13, 2004) Ref. No. MSDI-223/
) PC444.06
)
SURGICAL INSTRUMENTATION AND) February 20, 2009
METHOD FOR TREATMENT OF THE SPINE)

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated December 26, 2008, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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INTRODUCTORY COMMENTS

Claims 55-63, 65-74 and 94-103 were pending in the subject application for the final Office Action dated December 26, 2008. Each of the pending claims currently stands rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.